

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

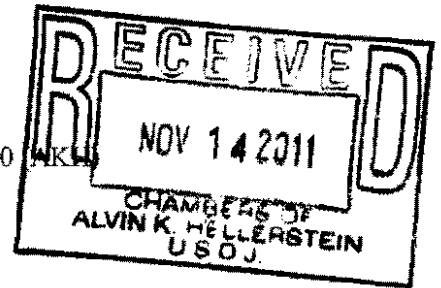
IN RE: WORLD TRADE CENTER DISASTER SITE  
LITIGATION

MCHALE, THOMAS

-Against-

SURVIVAIR

21 MC 100

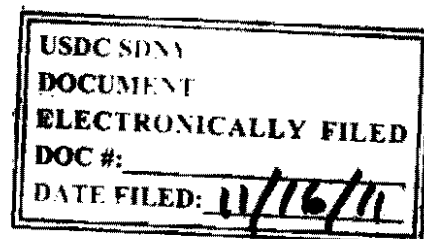


**STIPULATION OF  
VOLUNTARY DISMISSAL AGAINST  
SURVIVAIR ONLY**

Civil Action No: 06cv14031

**IT IS HEREBY STIPULATED AND AGREED**, by and between the parties that, pursuant to the Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. Plaintiff Thomas McHale voluntarily dismisses, with prejudice, his claims against Defendant Survivair pursuant to the following terms and conditions:
2. Plaintiff Thomas McHale voluntarily discontinues, with prejudice, his claims against Survivair arising out of or relating in any way to World Trade Center-related rescue, recovery, and/or debris-removal operations and/or clean up at any location on and/or after September 11, 2001.
3. All claims that were asserted or could have been brought against Survivair in relation to Plaintiffs' existing pleadings are dismissed with prejudice.



4. This dismissal is without prejudice solely in relation to a second injury to the extent permitted by New York State law and as may be defined by any court having jurisdiction over any such later-filed complaint.
5. The dismissal is without costs.

**MORRISON MAHONEY LLP**

By: 

Gary W. Harvey  
Stephanie S. McGraw  
250 Summer Street  
Boston, MA 02210-1181  
(617) 439 7500  
and  
17 State Street  
New York, NY 10004  
(212) 428 2486  
*Attorney for Survivair*

Dated: November 10, 2011

**WORBY GRONER EDELMAN & NAPOLI  
BERN**

By: 

Christopher R. LoPalo (CL 6466)  
350 Fifth Avenue, Suite 7413  
New York, New York 10118  
(212) 267-3700

*Attorney for Plaintiff*

Dated: November 10, 2011

*So ordered  
Nov. 11, 2011  
[Signature]*